

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

BARRY BUCKHANON and
RODNEY FRALEY,

Plaintiffs

VS.

HUFF & ASSOCIATES
CONSTRUCTION COMPANY, INC.,

Defendant

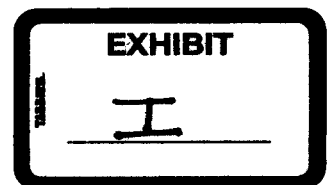
CIVIL ACTION NO. 3:05-cv-0741-wkw

AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for the State of Alabama at Large, personally appeared Bobby Dean Nichols, who being known to me and by me first duly sworn doth depose and say as follows:

My name is Bobby Dean Nichols and I am over the age of 19 years and a resident citizen of Tallassee, Tallapoosa County, Alabama.

On or about July 26, 2004 I went to work for Huff & Associates Construction Company in Auburn, Alabama as a laborer. I was hired by the job superintendent, Bobby Myers. At that time Huff was building a new fraternity house for the Kappa Alpha Fraternity at Auburn University. Prior to going to work for Huff I already knew Barry Buckhanon and Rodney Fraley. Whenever I arrived on the job site on or about July 26, 2004 Buckhanon and Fraley were still working for Huff. During the next couple of days I personally heard Myers use the word "nigger" when speaking to Buckhanon and/or Fraley. Myers used the word "nigger" frequently in speaking to and about African-Americans. Myers not only used racial slurs in speaking to and about African-Americans



but he was also constantly cursing and berating the employees working under his supervision. I finally quit my job on or about September 30, 2004 because I could no longer tolerate the loud, profane, intimidating and otherwise abusive behavior by Mr. Myers towards the employees working under his supervision. Although Mr. Myers was generally abusive to everyone he was particularly abusive and insensitive to African-Americans. This abusive behavior created an intolerable and hostile work environment for all employees but especially for African-Americans.

Witness my hand and seal this 15th day of August, 2006.

Bobby Dean Nichols
BOBBY DEAN NICHOLS, Affiant

SWORN TO AND SUBSCRIBED before me this 15th day of August, 2006.

Martha S. Beasley
NOTARY PUBLIC
My Commission Expires: 12/2/2007